

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 29, 2003 PLANNING COMMISSION MEETING

P.A.S.: Comprehensive Plan Conformance No. 03012
Salt Creek conservation easements

PROPOSAL: Request by the Directors of Public Works and Utilities and Parks, to find that the acquisition of permanent conservation easements over approximately 736.9 acres of floodplain on property generally located South of Saltillo Road, generally along Salt Creek, to 1/2 mile south of Martell Road, conforms with the 2025 Comprehensive Plan.

LOCATION: Generally along Salt Creek from Wilderness Park to one-half mile south of Martell Rd.

LAND AREA: 736.9 acres, more or less.

CONCLUSION: These conservation easements are located along Salt Creek from Wilderness Park to one and one half mile south of Roca. These are generally shown in the Comprehensive Plans of Lincoln, Lancaster County and Roca as Green Space. The proposed easements will protect the floodplain, and in some cases, delineated wetlands, drainageway, and tree masses and is not an obstacle to any planned action. A specific exception for the South Beltway is provided. Acquisition of the conservation easement by the City of Lincoln or Lancaster County is in conformance with the Comprehensive Plan and supports several goals of the Plan.

RECOMMENDATION:	In conformance with the Comprehensive Plan.
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

Parcels located in the SE 1/4 of Section 1, T8N R6E and in Sections 6,7,17, 18, 19, 20, and 29 in T9N R7E, Lancaster County, Nebraska. See Parcel ID # attached.

EXISTING ZONING: City zoned AG Agriculture, County zoned AG Agriculture and Roca zoned AGX Exclusive Agriculture (CN for conservation)

EXISTING LAND USE: One dwelling. Rail/trail. Farm land and pasture land.

SURROUNDING LAND USE AND ZONING:

North:	Wilderness Park	AG Agriculture - City
South:	Farming	AG Agriculture - County
East:	Farming	AG and AGX Agriculture - City, Co, Roca
West:	Farming	AG Agriculture - City, County and Roca

HISTORY:

1979 This property was changed from AA Rural and Public Use to AG Agriculture in the City and County Jurisdiction. In 1976 Roca adopted zoning and showed this as AGX Exclusive Agriculture.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Future Land Use Plan shows this area as Green Space (Parks and Open Space in Roca's Comprehensive Plan). A trail is identified along Salt Creek and the abandoned UP Rail Road (F95), and is identified as Green Space. (F 25) This is shown as part of the Salt Valley Heritage Greenway (F60)

Green Space: Areas predominantly used for active recreational use, such as parks, golf courses, soccer or ball fields, and trails. Green space areas may be either public or privately owned. While some isolated environmentally sensitive features may be within these areas, they are predominantly for active recreation, with some passive recreation uses also possible. (F 22)

Two **Emerging Regional Planning Issue** identified:

Conservation and protection of environmental and natural systems. (F 4)

Cooperative planning of water resource management. (F 4)

Guiding Principles for the Urban Environment include:

Streams, trees, open space, and other environmentally sensitive features should be preserved within new development as design standards allow. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance. (F18)

Environmental Resource Features represent an important part of today's urban and rural landscapes. Such features need to be valued and sustained as part of the overall planning process if they are to remain as vital parts of the natural heritage left for succeeding generations. (F 52)

Floodplains: This feature refers to land that is susceptible to flooding or that has flood prone soils. Floodplains provide multiple benefits to both the natural (flood storage, habitat, water quality) and built (recreation, public health and safety, economic) environments. (F 53)

Urban Forest: This feature refers to the trees and other woody plants that have been planted or grow naturally within the limits of the communities in Lancaster County. Though many may not consider the urban forest to be part of the "natural environment," it represents a significant community investment - exemplified in Lincoln being a "Tree City" - with its elimination or neglect having substantially detrimental consequences. (F 54)

Three **Core Resource Imperatives** were selected from the Environmental Resource Features as those that should receive the greatest consideration in the long range planning process. (F 54)

Riparian, Floodplains, and Stream Corridors: Streams and their adjoining corridors snake their way through much of Lancaster County. Throughout the region, surface water runoff flows into these stream corridors that typically consist of floodplains and riparian areas. These are instrumental in providing habitat and water infiltration benefits, along with serving as connectors to natural areas. (F 55)

The purpose of the **Greenprint Challenge** is to assure the long term health and integrity of the ecosystem upon which Lancaster County is superimposed, and to capture the community-wide quality of life and economic benefits that can be derived from the area's environmental resource features. (F 55)

The **Greenprint Challenge: Implementation Strategies** include:

Investigate the possible use of easements (e.g., conservation, preservation, public access, etc.),...to manage land with environmental resource interest. (F 64)

ANALYSIS:

1. This request is by the Directors of the Lincoln Public Works and Utilities Department and Parks Department. The City is the recipient of a FEMA grant for purchase of conservation easements in floodplains and the City, County and NRD received a Nebraska Environmental Trust (NET) grant for similar purposes. This request would find the potential conservation easements in Conformance with the Comprehensive Plan in order to expedite the negotiation process with the land owners.
2. A total of 22 Parcels and 736.9 acres are within this request. 73.58 acres are in the Lancaster County Jurisdiction, 225.27 acres are in the City of Lincoln Jurisdiction and 438.05 acres are in the Roca Jurisdiction. Comprehensive Plan conformity must be found by each of the respective jurisdictions. A request has been made to the Village of Roca.
3. The Nebraska Conservation and Preservation Easement Act (NEB. REV. STAT. §§ 76-2,111 to 76-2,118) requires that the acquisition of conservation easements be referred to the local planning commission having jurisdiction over the properties for approval prior to the acquisition. The Planning Commission must make a recommendation to the City Council and County Board "regarding the conformity of the proposed acquisition to comprehensive planning for the area," (NEB. REV. STAT. §76-2,112). The City Council and County Board will either accept or deny the easement.
4. The purpose of this Comprehensive Plan Conformity report is to determine whether these permanent conservation easements are in conformance with the 2025 Comprehensive Plan.
5. The proposed conservation easements will protect floodplain conveyance and storage, and in some cases protect other natural features such as wetlands, drainageways and woodlands.
6. The Conservation Easement Agreement will include provisions prohibiting specific uses and practices.
7. The City of Lincoln, Lancaster County or the Lower Platte South Natural Resources District can accept or acquire the conservation easements after the Planning Commission determines the easement conforms to the Comprehensive Plan.

8. Comments are attached from the County Engineer regarding future local roadway expansions. Future public purpose uses are not limited by the conservation easements.

Prepared by:

Mike DeKalb
Planner

Date: October 13, 2003

Applicants: Alan Abbott, Director
Lincoln Public Works and Utilities Department
555 South 10th Street
Lincoln, NE 68508
441-7548

Lynn Johnson, Director
Lincoln Parks and Recreation Department
2740 A St..
Lincoln, NE 68502
441-7847

Contact: Nicole Fleck-Tooze
Lincoln Public Works and Utilities Department
555 South 10th Street
Lincoln, NE 68508
441-6173

Owners: Various

Comprehensive Plan Conformance #03012

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

Sections

01-08-06
06-08-07
07-08-07
17-08-07
18-08-07
19-08-07
20-08-07
29-08-07

Potential Conservation Eastment



Flood Plain

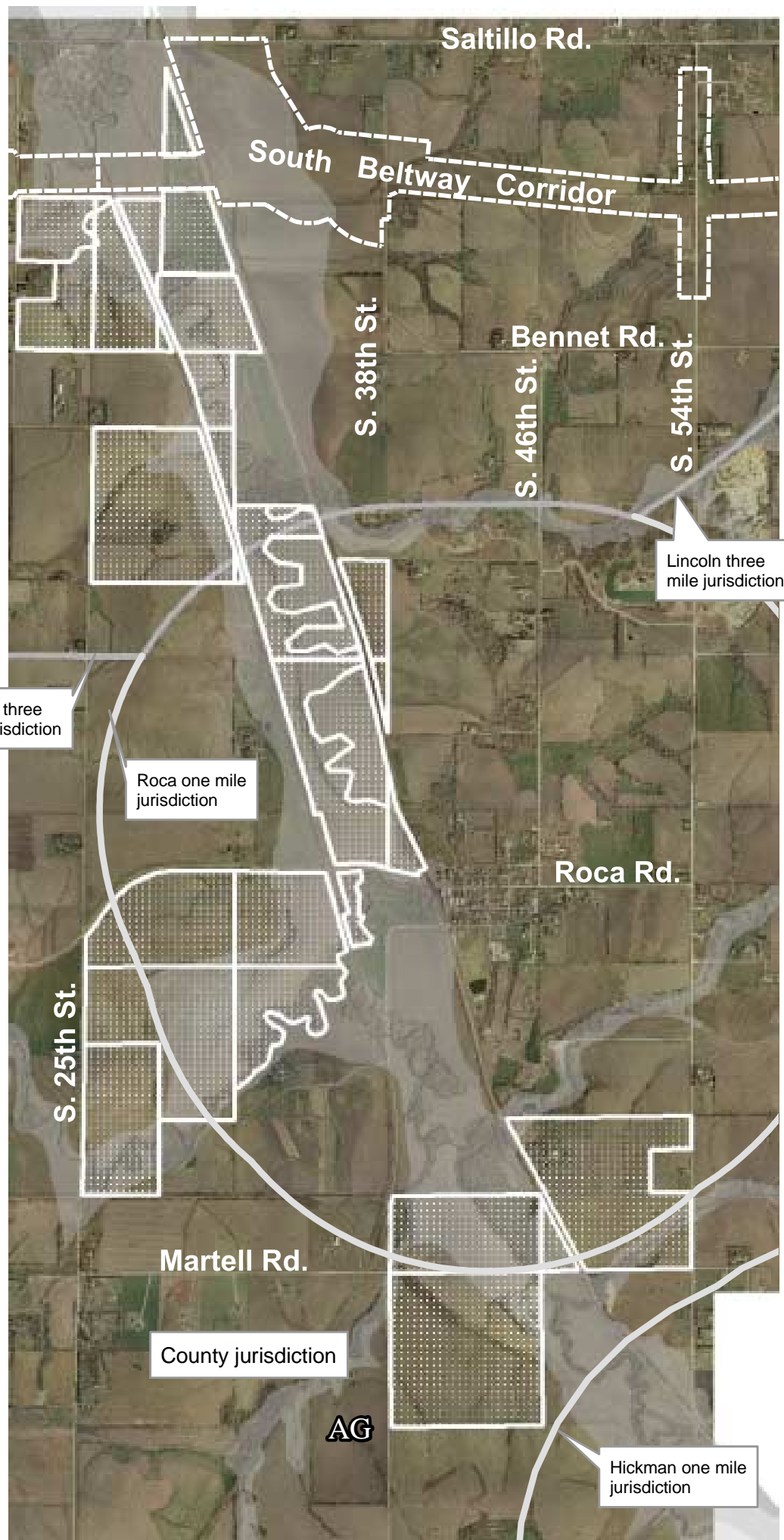
	100 Year
	500 Year
	Floodway



Zoning Jurisdiction Lines



City Limit Jurisdiction



Comprehensive Plan Conformance #03012

Zoning:

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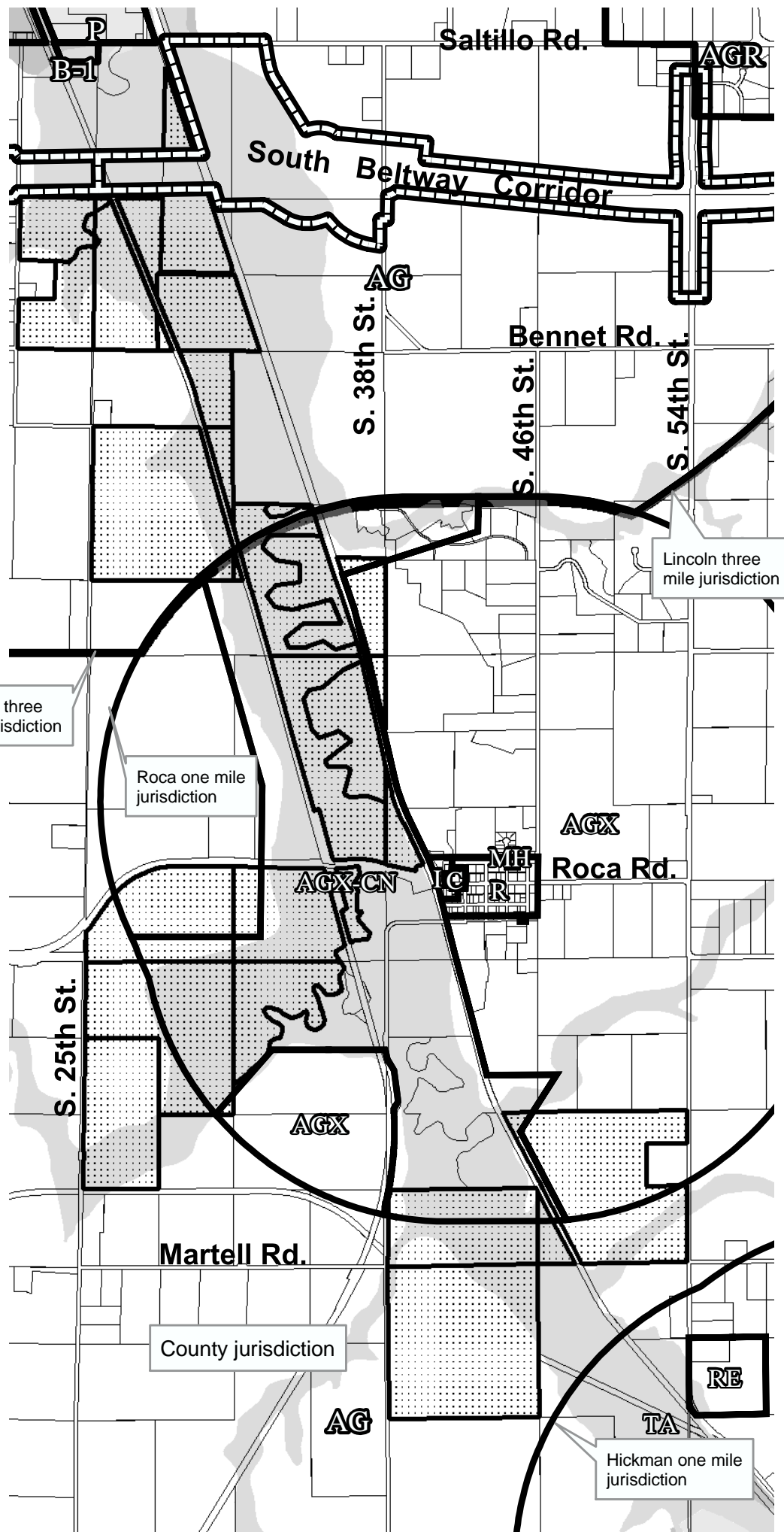
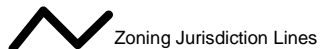
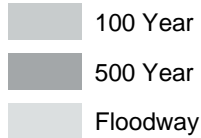
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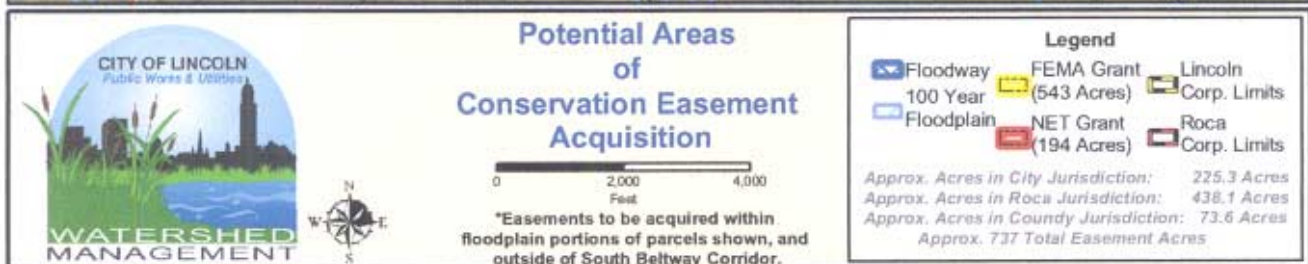
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Potential Conservation Eastment



Flood Plain




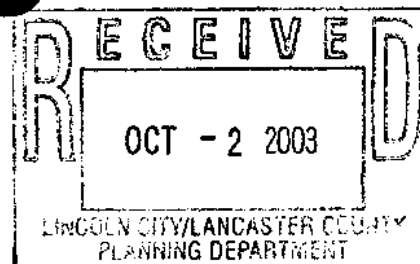


**PUBLIC WORKS AND
UTILITIES DEPARTMENT**



MEMORANDUM

Date: October 2, 2003
To: Marvin Krout, Planning Director
From: Nicole Fleck-Tooze 
Subject: *Comprehensive Plan Conformity Application
for Floodplain Conservation Easements*



cc: Allan Abbott, Ben Higgins, Rock Krzycki - PW/U Dept.
Lynn Johnson, Terry Genrich - Parks and Recreation
Mike DeKalb - Planning Dept.
Rick Peo - City Attorney's Office
Kristy Mundt - County Attorney's Office

This memorandum is to serve as a request by the Directors of Public Works and Utilities and Parks and Recreation for a Comprehensive Plan Conformity (CPC) item to be forwarded to the Planning Commission for their October 29th public hearing. The request is to **find the acquisition of permanent conservation easements over certain portions of the Salt Creek floodplain south of Wilderness Park within the jurisdiction of Lincoln and Lancaster County (as shown on the attached map) to be in conformance with the Comprehensive Plan.** State statutes require that conservation easements be approved by the appropriate governing body, including a finding of conformance with the comprehensive plan by the local planning commission.

The attached map identifies the location of potential easements which are in the jurisdiction of Lincoln, Lancaster County, Roca or are split jurisdiction. This request applies only those parcels within Lincoln or Lancaster County jurisdiction or where jurisdiction is shared with Roca, as shown on the attached map. **Easements acquired within the parcels shown will be located within the floodplain and outside of the South Beltway Corridor.**

In March of 2001, the City received a **FEMA Hazard Mitigation Program (HMGP) grant** for the purchase of conservation easements in the floodplain south of Wilderness Park. The City and County shared equally in the local match for this grant and will jointly hold any easements acquired through this program. The HMGP grant is being managed by the Public Works & Utilities Dept.

A similar grant for the protection of floodplain areas south of Wilderness Park was approved by the **Nebraska Environmental Trust (NET)** in April 2001 for the City, County, Lower Platte South NRD and other private partners. This grant is being managed by the Parks & Recreation Dept. The NET grant allows for purchase of easements or fee simple, and the City of Lincoln is anticipated to own any property or easements acquired under this grant program. Both the NET and HMGP grants have been approved for a 3-year period and will expire in the spring of 2004.

The appraisal and negotiation process is still ongoing for several parcels within the 'Wilderness South' corridor, thus **conservation easements may or may not ultimately be purchased over the entire area shown**. Furthermore, land rights for one or more parcels acquired through the NET grant may be purchased as fee simple in lieu of easements. However, in consideration of timing and process issues, **there is a need to complete this step in the process for the identified parcels, in order that acquisition can occur expeditiously and within the grant period** if the City is able to negotiate an agreement with the owners of the properties indicated. This application is the formal process by which it is documented that such a purchase, if it occurs, is in conformance with the Comprehensive Plan.

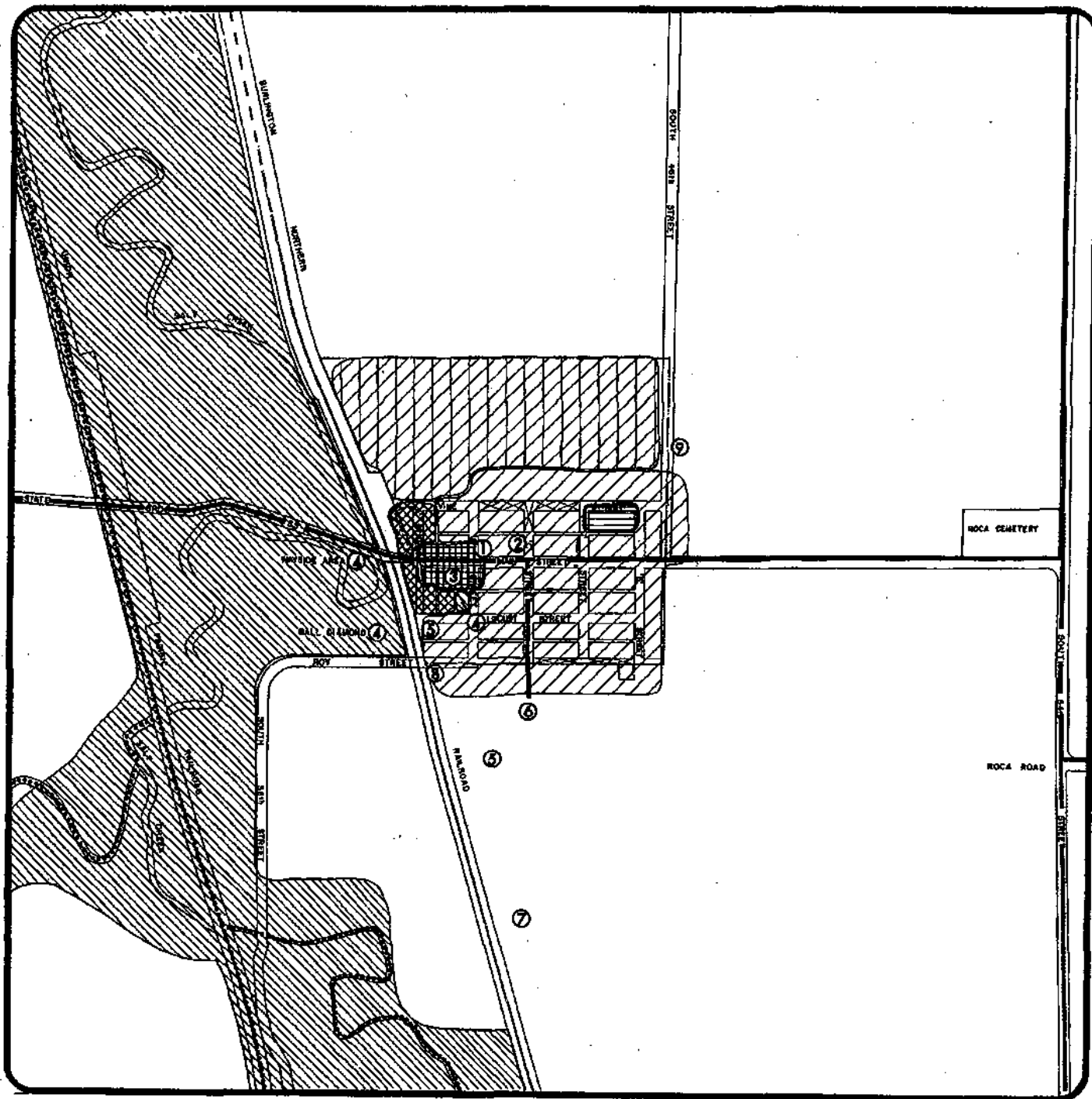
The Salt Creek floodplain included in this application is identified as Green Space and is embodied in the Salt Valley Heritage Greenway identified in the Comprehensive Plan. The Comprehensive Plan also designates **floodplain and riparian corridors as one of three 'Core Resource Imperatives'** which "uniquely contribute to the natural resource heritage of the region and whose safeguarding for future generations is indispensable." The acquisition of permanent conservation easements in this area fulfills numerous additional strategies in the Plan, including the linear connection of green spaces and conservation of flood prone areas for stormwater management.

Pursuant to the process developed by the Planning Department in conjunction with the City Law Dept. and the County Attorney's office, CPC items for acquisition of conservation easements in the City's jurisdiction are typically final action at the Planning Commission, while the same items in County's jurisdiction are forwarded to the County Board. This request includes parcels in both the City and County's jurisdiction, and are (in the case of the HMGP grant), to be acquired jointly by the City and County, so guidance from the City Law Dept. may be needed regarding whether it is necessary for the CPC item to be forwarded to the City Council.

Please feel free to call me at 441-6173 with any questions.

Conservation Easement Acres by Jurisdiction

Owner	PID	Jurisdiction	Acres
COUNTY			
Bentzinger	1520300004000	County	0.511
Bentzinger	1520300004000	County	0.961
Bentzinger	1520400003000	County	1.692
Bentzinger	1520400003000	County	11.206
Bentzinger	1529100003000	County	1.894
Bentzinger	1529100003000	County	19.421
Tiedeman	1519100001000	County	11.009
Tiedeman	1519100002000	County	26.884
ACRES Sum			
73.578			
LINCOLN			
Barry	1507100002000	Lincoln	28.601
Barry	1507100002000	Lincoln	9.321
Bentzinger	1507400001000	Lincoln	0.011
Bentzinger	1507400001000	Lincoln	2.452
Bentzinger	1507400003000	Lincoln	0.062
Bentzinger	1507400003000	Lincoln	13.776
Kerns	0801400011000	Lincoln	0.216
Kerns	0801400011000	Lincoln	24.186
Kerns	0801400011000	Lincoln	0.951
Schrader	0801400012000	Lincoln	5.244
Schrader	0801400012000	Lincoln	1.191
Schrader	1506300003000	Lincoln	0.097
Schrader	1506300003000	Lincoln	42.733
Schrader	1506300007000	Lincoln	18.605
Schrader	1506300007000	Lincoln	16.183
Schrader	1507100004000	Lincoln	19.543
Theer	1506100007000	Lincoln	32.418
Theer	1506100007000	Lincoln	9.683
ACRES Sum			
225.273			
ROCA			
Barry	1507100002000	Roca	1.767
Bentzinger	1507400001000	Roca	37.498
Bentzinger	1507400003000	Roca	0.912
Bentzinger	1507400003000	Roca	33.919
Bentzinger	1507400003000	Roca	3.261
Bentzinger	1517300001000	Roca	10.381
Bentzinger	1518200002000	Roca	42.755
Bentzinger	1518200005000	Roca	66.28
Bentzinger	1518300004000	Roca	2.495
Bentzinger	1518400001000	Roca	43.86
Bentzinger	1520300004000	Roca	60.07
Bentzinger	1520400003000	Roca	7.457
Bentzinger	1520400003000	Roca	2.348
Mohr	1518400002000	Roca	8.325
Tiedeman	1519100001000	Roca	64.784
Tiedeman	1519200001000	Roca	51.94
ACRES Sum			
438.052			
ACRES Sum			
736.903			



GENERALIZED LAND USE

- VACANT & AGRICULTURAL
- PARKS & OPEN SPACE
- RESIDENTIAL
- RESIDENTIAL RESERVE
- MOBILE HOME
- COMMERCIAL
- INDUSTRIAL

TRANSPORTATION

- ARTERIAL
- COLLECTOR
- LOCAL
- RECREATION TRAIL

COMMUNITY FACILITIES

- 1 POST OFFICE
- 2 CHURCH
- 3 COMMUNITY BUILDING
- 4 PARK
- 5 WELLS
- 6 COUNTY MAINTENANCE GARAGE
- 7 SEWAGE LAGOON
- 8 SEWAGE LIFT STATION
- 9 FUTURE WATER STORAGE

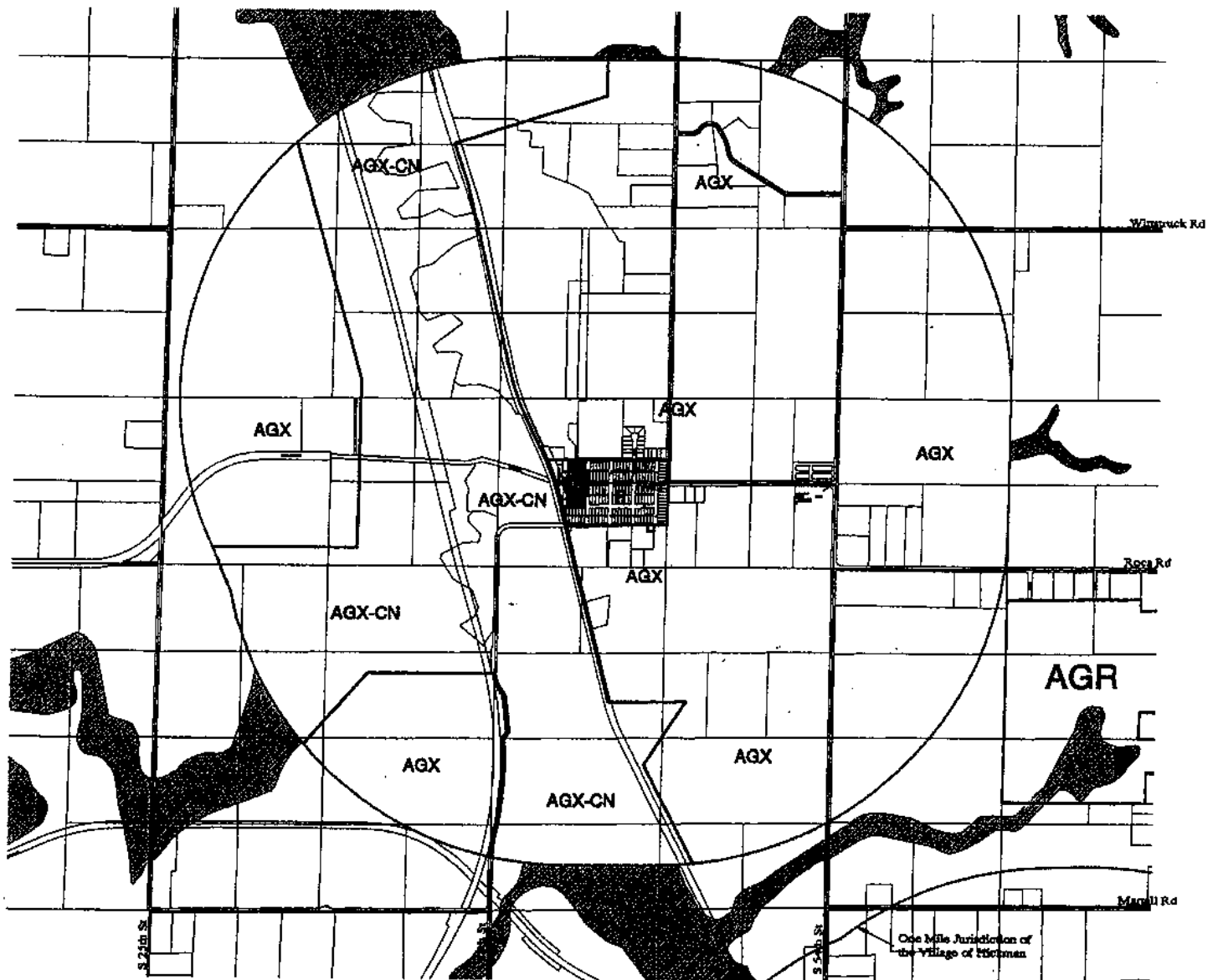
ROCA, NEBRASKA COMPREHENSIVE DEVELOPMENT PLAN



0 300 1000
SCALE IN FEET

7

ZONING FOR THE VILLAGE OF ROCA INCLUDING THE ONE MILE JURISDICTION



ZONING DESIGNATIONS ROCA

AGX Exclusive Agriculture
AGR Agriculture-Rural
R Single Family Residential
MH Mobile Home Residential
C Commercial
I Industrial
CN Conservation (Appended District)

ZONING DESIGNATIONS OUTSIDE 1 MILE LIMIT

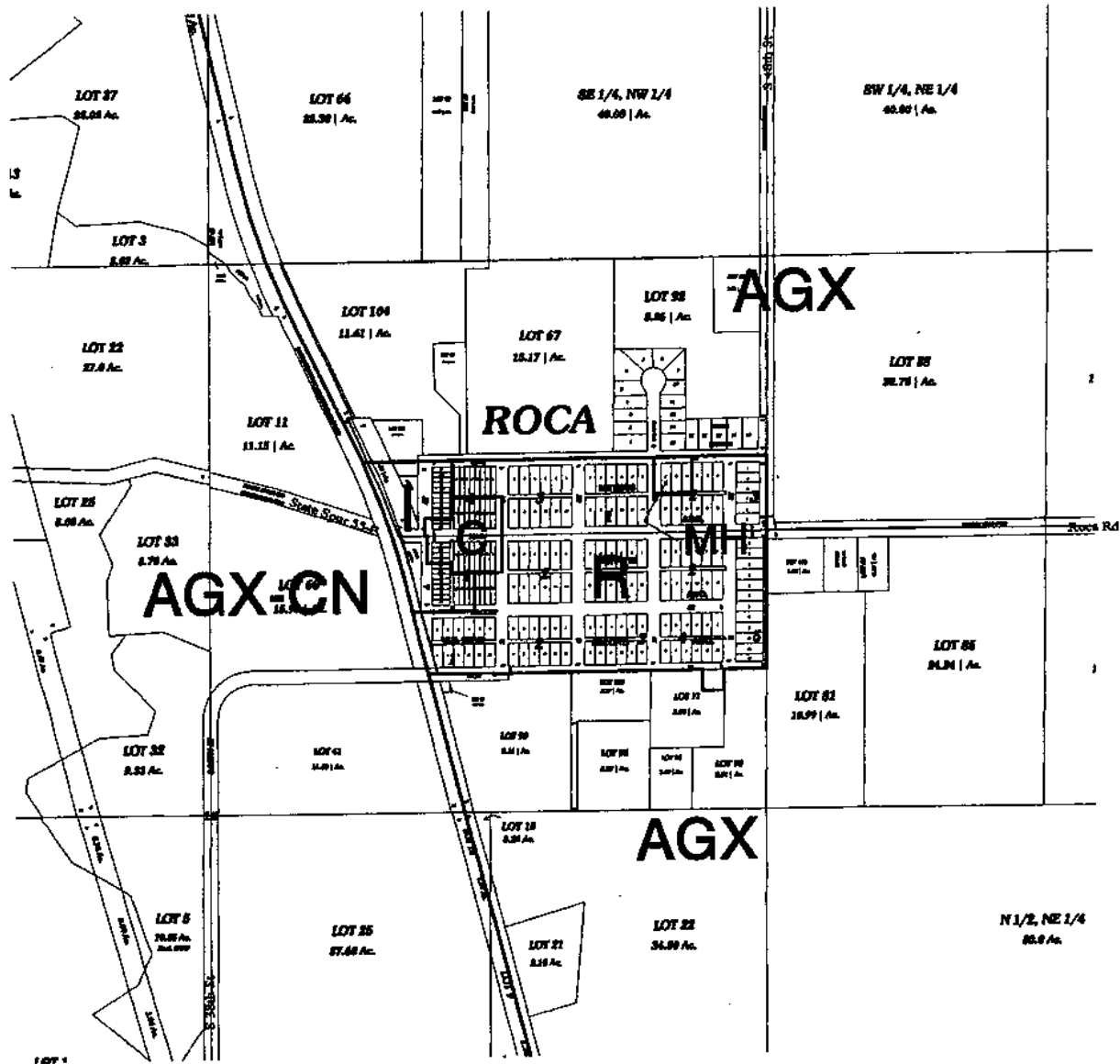
AQ Agricultural
AGR Agricultural Residential
R Residential
B Business
I Industrial

LEGEND

— Village Limits
— One Mile Jurisdiction
— Zoning Boundary
■ Floodway
■ 100 Year Flood
■ 500 Year Flood



ZONING FOR THE VILLAGE OF ROCA



ZONING DESIGNATIONS ROCA

AGX Exclusive Agriculture
AGR Agriculture-Rural
S Single Family Residential
MH Mobile Home Residential
C Commercial
I Industrial
CN Conservation (Appended District)

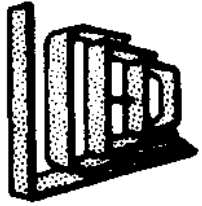
ZONING DESIGNATIONS OUTSIDE 1 MILE LIMIT

AO Agricultural
AGR Agricultural Residential
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B Business
I Industrial

LEGEND

— Village Limits
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— Zoning Boundary
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Lancaster
County

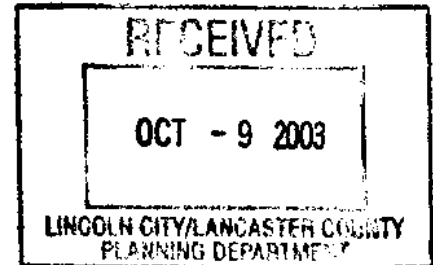
Engineering

Department

DON R. THOMAS - COUNTY ENGINEER

DEPUTY- LARRY V. WORRELL
COUNTY SURVEYOR

DATE: October 8, 2003
TO: Mike DeKalb
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: SALT CREEK CONSERVATION EASEMENT



This office has reviewed the proposed purchase of the Salt Creek Conservation Easements, and would request that consideration be given in the easement to the possibility of a future roadway located on the section line or quarter section line where none exists today. As development occurs in and around the easements, the need for additional roadways will become evident. Also, the right-of-ways on existing roadways within the easements will need to be expanded in the future.

LVW/DP/cm
DP/Salt Creek Conservation Easement.Mem